



6712 Shadow Valley Rd, Rogers, AR 72758

January 30, 2012

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *In the Matter of Closed Captioning of Internet Protocol-Delivered Video Programming:
Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB
Docket No. 11-154

Dear Ms. Dortch:

On January 25, 2012, Britt Bennett, TVGuardian, LLC president, met with Erin McGrath, Acting Legal Advisor, Media, to Commissioner McDowell, and on January 26, 2012, both Britt Bennett and I met with Media Bureau members William Lake (Bureau Chief), Sara Whitesell (Deputy Bureau Chief), Alison Neplokh (Chief Engineer), Mary Beth Murphy (Division Chief - Policy), Steven Broeckaert (Deputy Division Chief - Policy), and Jeffrey Neumann (Engineering Division). Later on January 26, 2012, we met with Dave Grimaldi, Chief of Staff and Media Legal Advisor to Commissioner Clyburn.

During each meeting, we discussed how Congress has expressed the desire for public access to advanced parental controls for TV in prior legislation, including the Telecommunications Act of 1996 and the Child Safe Viewing Act of 2007. We explained how the 1996 Act gave the FCC authority to advance required parental controls beyond the V-chip as the video standards and parental control technologies advanced. We also pointed out how, in the Child Safe Viewing Act, even though Congress did not direct the FCC to mandate new parental controls, it did express its desire for the public to have access to more advanced parental control beyond the V-chip.

We explained how foul language filtering technology, which utilizes the closed caption data, is the only advanced parental control technology detailed in the Commissions report on M.B. 09-26 that is even possible for TV programming in the real-world, since all others would require the industry to build a new parental control data infrastructure. We further explained that foul language filtering technology addresses the number one consumer complaint at the FCC (confirmed by William Lake, Bureau Chief), and this has led to it being the only advanced parental control for TV that's been successful in the marketplace.

We continued our discussions by explaining how Congress' expressed desire (in the 1996 and 2007 Acts) for the public to have access to advanced parental controls for TV, would not be honored if the FCC issued rules that would effectively make foul language filtering technology obsolete. We went on to discuss the importance of third parties having real-time access to closed captions of Internet video through APIs from video programming providers ("VPPs") and video programming distributors ("VPDs"). We also expressed the importance for traditional television programming distributors (cable and satellite) to comply with the pass through rules for all analog outputs on the devices they distribute by passing through the original closed captioning data intact, as it was provided by the video programming owner ("VPO"). We explained that 20-25% of the HD cable and satellite boxes now in the market pass through the analog (Line-21) closed captions 3-5 seconds behind the timing as it is on the original closed captioned data and this should be considered a violation of the pass through rules, since it is not intact as it is on the original programming from the VPOs. We also cited specific examples of cable and satellite boxes that are not complying with the pass through rules on analog outputs.

The consensus from the meetings was that TVGuardian, LLC should file a Petition for Reconsideration with the Commission.

Please contact me should you have any questions regarding this matter,

Respectfully submitted,

/s/ J. Richard Bray

J. Richard Bray

CEO

TVGuardian, LLC

cc: Erin McGrath
William Lake
Sara Whitesell
Alison Neplokh
Mary Beth Murphy
Steven Broeckaert
Jeffrey Neumann
Dave Grimaldi
Sarah Holland, Office of Senator Pryor
Toni-Marie Higgins, Office of Senator Boozman